

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Request for Regularization of out of seniority/personal promotion service as SI of Sri J.A.Narasimha Reddy and 12 others in relaxation of rules – Examined - Rejected – Orders – Issued.

HOME (SERVICES.II) DEPARTMENT

G.O.Rt.No. 1928

Dated: 2-11-2010
Read the following:

1. Representations from Sri K.Satyanarayana Konda, Sri L. Ramana Babu, , Sri K. Kanaka Raju, Sri G. Appa Rao, Sri V. Krishna Rao SIs of Visakhapatnam Range dated Nil filed on 26-2-2009
2. Govt.Memo.No. 6020/Ser.II/A2/2009dated: 28-2-2009
3. Representation from Sri P. Srinivasulu and Sri Y.N. Ramakrishna, SIs of Hyderabad dated: 30-5-2009
4. Govt.Memo.No.18835/Ser.II/A3/2009, dated: 7-7-2009
5. From the DGP, AP, Hyderabad, Lr.Rc.No.953/U2/2004, dated:21-8-2009
6. From the DGP, AP, Hyderabad, Lr.Rc.No.1209/E1/2009, dated: 7-9-2009
7. Govt.Memo.No. 6020/Ser.II/A2/2009 dated: 7-11-2009
8. From the Hon'ble High Court common order dated: 16-12-2009 in W.P.No. 20812 and 18357 of 2009 and 18696, 25532,25541,24133 and 23384 of 2005
9. Representation from Sri J.A.Narsimha Reddy, SI, Khammam District, dated: 23-12-2009
10. Representation from Sri R. Nageshwar Rao, SI Nellore District, dated: 24-12-2009
11. Representations from Sri K.Satyanarayana Konda, SI of Visakhapatnam Range dated 3-1-2010
12. Representation from Sri K. Soloman Raju SI of East Godavari District, dated: 10-1-2010
13. Representation from Sri M. Gurappa, SI of Hyderabad, dated: 11-1-2010
14. Representation from Sri L. Bhadraiah, SI of Hyderabad, dated:11-1-2010
15. Representation from Sri K. Kanaka Raju, Sri V. Krishna Rao SIs of Visakhapatnam Range dated : 13-1-2010
16. Representation from Sri G. Chandra Reddy SI of Hyderabad, dated: 18-1-2010
17. From the DGP, AP, Hyderabad, Lr.Rc.No.1209/E1/2009, dated:5-2-2010

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ORDER:

In the reference 8th read above, the Hon'ble High Court of Andhra Pradesh has made the following common order in W.P.No. 20812/2009 and batch cases:

“We are therefore, of the opinion that in the interest of justice and with a view to mitigate the hardship of the applicants while setting aside the impugned order of the Tribunal, it would be just and proper to direct the first petitioner / State in this batch of cases to consider the cases of the applicants for the purpose o regularization of services keeping in view the fact that the applicants were granted personal promotions recognizing their meritorious service and they have been discharging and serving in the said promotional post for several years. The applicants, if they so desire, are

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granted further opportunity to make additional representations within a period of four (4) weeks from today and the first petitioner/ State directed to consider the said representations and pass appropriate orders thereon within a period of four (4) weeks thereafter.”

2. The applicants Sri J.A.Narsimha Reddy, SI, Khammam District, Sri G. Chandra Reddy, Sri P.Srinivasulu, Sri M. Gurappa, Sri L. Bhadraiah, SIs of Hyderabad, Sri L. Ramana Babu, Sri K.Satyanarayana Konda, Sri K. Kanaka Raju, Sri G. Appa Rao, Sri V. Krishna Rao, SIs of Visakhapatnam Range, Sri R. Nageshwar Rao, SI Nellore District and Sri K. Solomon Raju SI of East Godavari District, have represented for regularization of their services from the date of their personal / out of seniority promotions as SI in terms of the above said common Judgment of the Hon’ble High Court dated: 16-12-2009 in W.P.No. 20812/2009 and batch cases. Sri Y.N. Ramakrishna, SI of Hyderabad, has also represented to regularize his services from the date of his out of seniority promotion though he is not covered by the common Judgment of the High Court.

3. In the reference 17th read above, the DGP, AP, Hyderabad, while furnishing his remarks in respect of one representation dated: 3-1-2010 submitted by Sri K.S.N. Konda, SI of Police of Visakhapatnam, has stated that the appointment of personal promotion/out of seniority is conditional and that request to treat the period spent in the rank of SI of Police on out of seniority basis cannot be considered for regularization.

4. The scheme of regularization of the out of seniority/ personal promotion service was cancelled in the year 2003 itself by Government, and taking a consistent stand in the matter in the light of various administrative problems. The Hon’ble High Court of Andhra Pradesh in WP.No. 19291 of 2008 filed by the Department have categorically upheld the decision of the Government not to regularize the out of seniority service. In the present case also the Hon’ble High Court, in its common judgment in 7 WPs filed by the Government/Police Department, has upheld the stand taken by the Government, by setting aside the APAT orders, after extensively examining the rule position and also the Supreme Court Judgments. Therefore, as far as the position of law is concerned the issue has been given finality by the Hon’ble High Court.

5. However, keeping in view the directions of the Hon’ble High Court, Government have once again examined the requests of the applicants for regularization of the out of seniority/ personal promotion services. It has been reported that there are a large number of similar candidates throughout the state, who will claim a similar benefit if the present representations are favorably considered in relaxation of rules. Each candidate whose service has been regularized will override dozens of candidates in his respective Zone. This will adversely affect the seniority lists right from the 1980’s. Not only in the cadre of SIs, out of seniority promotions have been effected in the other cadres i.e HC, ASI and Inspector. Since the benefit now being sought to be given to O/S SIs will also have to be extended to those ranks also, the entire seniority lists in all most all the cadres will have to be disturbed. This will have severe repercussions.

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6. More so, the appointment of the applicants was conditional and they have been promoted temporarily by surpassing so many seniors and they have already enjoyed the elevated status for many years.

7. Government after careful examination of all the above facts and keeping in view of the rule position, hereby reject the requests of Sri J.A.Narsimha Reddy, SI, Khammam District, Sri G. Chandra Reddy, Sri P.Srinivasulu, Sri M. Gurappa, Sri L. Bhadraiah, SIs of Hyderabad, Sri L. Ramana Babu, Sri K.Satyanarayana Konda, Sri K. Kanaka Raju, Sri G. Appa Rao, Sri V. Krishna Rao, SIs of Visakhapatnam Range, Sri R. Nageshwar Rao, SI Nellore District, and Sri K. Soloman Raju SI of East Godavari District, and also Sri Y.N. Ramakrishna, SI of Hyderabad, to regularize their service in the cadre of SIs from the date of their out of seniority promotions /personal promotion as SIs.

8. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad,
The individuals concerned (through the DGP, A.P., Hyderabad)
SC/SF

//Forwarded :: By order//

SECTION OFFICER